

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Jay Connor,

PLAINTIFF,

vs.

United Life Services, LLC, Securus  
Direct Life, LLC, and The Baltimore Life  
Insurance Company,

DEFENDANTS.

CIVIL ACTION NO: 2:19-cv-01431-DCN-MGB

NOTICE OF REMOVAL

YOU WILL PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendant The Baltimore Life Insurance Company (“Baltimore Life”), removes the within action previously pending in the Magistrate’s Court for Charleston County, South Carolina, to the United States District Court for the District of South Carolina, Charleston Division. Baltimore Life states the following:

**I. Commencement of the Action**

On April 16, 2019, Plaintiff Jay Connor (“Plaintiff”), filed an action in the Magistrate’s Court for Charleston County, South Carolina, bearing Civil Action No. 2019CV1010600519. Plaintiff effected service of the Summons and Complaint on Baltimore Life’s registered agent for service of process, Harold Rojas, by certified mail dated April 22, 2019. Therefore, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within thirty days of service of the initial state court pleading on Baltimore Life. Copies of said pleadings are attached hereto as **Exhibit “A”**. A copy of the Notice of Removal will promptly be provided to the Clerk of Court for the Magistrate’s Court for Charleston County. The Charleston Division of the United States District Court for the District of South Carolina encompasses Charleston County, South Carolina.

## **II. Basis for Jurisdiction – Federal Question Jurisdiction (28 U.S.C. § 1331)**

This action is within the original jurisdiction of the United States District Court pursuant to 28 U.S.C. § 1331, which provides that “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Plaintiff asserts claims against Defendant arising under the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227 (the “TCPA”). *See* Complaint ¶¶ 65-68. Thus, based on the allegations in the Complaint, this action satisfies the requirements for federal question jurisdiction.

Furthermore, the state law causes of action are within the supplemental jurisdiction of the United States District Court under 28 U.S.C. § 1367, which provides, in part, that “in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to the claims in the action with such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a). Plaintiff’s allegations concern purported actions taken by Baltimore Life and others with respect to the South Carolina Telephone Privacy Protection Act, S.C. Stat. 37-21-10, *et. seq.* *See* Complaint ¶¶ 69-71. The alleged facts underlying said claims are the same as those related to the TCPA cause of action and, therefore, the United States District Court for the District of South Carolina has proper jurisdiction over the entirety of this matter. As a result, this action was properly removed to this Court.

## **III. Conclusion**

Wherefore, Baltimore Life respectfully requests that this Court will consider this Notice for Removal and make the proper orders to effect the removal of the within action from the Magistrate’s Court of Charleston County, State of South Carolina to this Court. Attached hereto

as composite **Exhibit “B”** are the consents to removal obtained from co-defendants United Life Services, LLC, and Securus Direct Life, LLC. As such this removal is unanimous.

/s/John B. Kelchner

John B. Kelchner (Fed. Bar No. 6987)

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**ATTORNEY FOR DEFENDANT**

**THE BALTIMORE LIFE INSURANCE COMPANY**

May 16, 2019

Columbia, South Carolina